



MEMORANDUM

TO: Gallatin Municipal-Regional Planning Commission
FROM: Codes/Planning Department
DATE: June 20, 2012
SUBJ: Other Business 6/25/12 GMRPC Meeting

1. Surety renewals and extensions; GMRPC Resolution #2012-66:

Staff recommends the Planning Commission approve a one-year renewal and extension of the performance sureties for the following subdivisions:

- Cypress Gardens; PC File #1-40-05C subdivision performance surety one-year renewal and extension for \$36,000.
- Fairvue Plantation, Ph. 19, Sec. 1 & Ph. 20; PC File #2-6-09S utility performance surety one-year renewal and extension for \$24,000.
- Lenox Place, Ph. 13 & 14; PC File #2-10-09S utility performance surety one-year renewal and extension for \$10,000.

Staff recommends the Planning Commission approve a one-year renewal and extension of the performance sureties for the following site:

- Kennesaw Farms, Ph. 2; PC File #8-63-04 site performance surety one-year renewal and extension for \$55,000.

2. Habitat for Humanity-Revised Site Plan; PC9992-12; GMRPC Resolution #2012-64

The applicant is requesting approval of a revised site plan in order to remove a six (6) foot wide sidewalk located along Sumner Hall Drive. The property is located at 327 Sumner Hall Drive. The site plan (PC9992-12) was reviewed and approved at the May 21, 2012 Planning Commission meeting. One (1) of the conditions of approval was that the applicant shall install six (6) foot wide sidewalks along the front and side of the property facing Sumner Hall Drive and Tulip Poplar Drive in accordance with Section 4-102.903-3.b of the City of Gallatin Subdivision Regulations and including a handicap ramp with an Armorcast cast-in-place detectable warning device. The applicant will be present at the meeting to provide additional information concerning the removal of the sidewalk located along Sumner Hall Drive.

3. Panda Express Restaurant-Sign Approval; PC9983-12; GMRPC Resolution #2012-67

The applicant is requesting approval to install a new pole sign, which conforms to the Gallatin Zoning Ordinance, but in the location of the existing non-conforming pole sign for the previously approved Panda Express Restaurant. The property is located at 707 Nashville Pike.



The site plan (PC9983-12) was reviewed and approved at the April 23, 2012 Planning Commission meeting. The Planning Commission added three (3) conditions of approval regarding the sign proposed along Nashville Pike. Panda Express provided an alternative pole sign design that was discussed at the June 11, 2012 Planning Commission Work Session. The alternative pole sign design meets all signage standards within the Gallatin Zoning Ordinance in regards to height, size, and materials. The desire of Panda Express is to locate the new sign where the existing non-conforming sign is currently located. If the new sign was permitted to be installed in the same location as the existing sign, it would not meet the required ten (10) foot setback from the right-of-way. The front edge of the sign would be between four (4) and six (6) feet closer to the right-of-way than permitted by the ordinance. Staff requested a legal opinion from the City Attorney on whether the applicant has a right, under Tennessee Code Annotated Section 13-7-208, to place the new sign in the location of the existing non-conforming sign. The City Attorney's opinion is T.C.A. Section 13-7-208 does not apply to this situation because there is no approved sign permit that a sign permit was issued for the sign in its current location. The only site plan in the file shows the sign located directly in front of the building along Nashville Pike. The City Attorney's opinion and a court case referenced by the City Attorney have been provided for your review. The applicant will have a representative at the meeting to present the proposed sign. The applicant shall obtain a sign permit from the Codes/Planning Department prior to construction of the sign.